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8 *A Morton Brothers Joint Intellectual Property, LLC*  
*Michael Morton, and David Morton*  
9

10 **UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

11 MORTON'S OF CHICAGO, INC.,

12 Plaintiff,

13 v.

14 A MORTON BROTHERS JOINT  
MANAGEMENT, LLC, A MORTON  
15 BROTHERS JOINT LLC, A MORTON  
BROTHERS JOINT INTELLECTUAL  
16 PROPERTY, LLC, MICHAEL MORTON,  
AND DAVID MORTON,  
17

18 Defendants.

Case No. 2:17-cv-1043-RFB-VCF

**DEFENDANTS' UNOPPOSED MOTION  
FOR EXTENSION OF TIME FOR ALL  
DEFENDANTS TO FILE AND SERVE  
THEIR ANSWERS OR OTHER  
RESPONSES TO THE COMPLAINT**

**(Third Request)**

19 Pursuant to LR IA 6-1, Defendants A Morton Brothers Joint Management, LLC, A  
20 Morton Brothers Joint, LLC, A Morton Brothers Joint Intellectual Property, LLC, Michael  
21 Morton, and David Morton (together, "Defendants") hereby move the Court for entry of an order  
22 extending the time, through and including May 26, 2017, for all Defendants to file and serve an  
23 answer or other response to the Complaint. This is Defendants' third request for an extension of  
24 time. In support of their motion, Defendants state the following:

25 1. Plaintiff filed its Complaint on April 13, 2017.

26 2. The three corporate defendants (A Morton Brothers Joint Management, LLC, A  
27 Morton Brothers Joint, LLC, and A Morton Brothers Joint Intellectual Property, LLC) were each  
28 served with the Summons and Complaint on April 14, 2017, making their deadline to file and

1 serve an answer or other response to the Complaint May 5, 2017. *See* ECF Nos. 21-23; Fed. R.  
2 Civ. P. 12(a)(1)(A) (“A defendant must serve an answer: (i) within 21 days after being served  
3 with the summons and complaint”). Defendant Michael Morton was served on April 17, 2017,  
4 making his deadline to file and serve an answer or other response to the Complaint May 8, 2017.  
5 *See* ECF No. 25; Fed. R. Civ. P. 12(a)(1)(A). And Defendant David Morton was served on April  
6 19, 2017, making his deadline to file and serve an answer or other response to the Complaint  
7 May 10, 2017. *See* ECF No. 26; Fed. R. Civ. P. 12(a)(1)(A).

8 3. The parties have been and are currently engaged in productive settlement  
9 negotiations that are likely to shortly resolve this action.

10 4. On May 4, 2017, Plaintiff’s counsel provided Defendants’ counsel with a  
11 proposed settlement agreement.

12 5. On May 5, 2017, Plaintiff’s counsel indicated that Plaintiff would not oppose a  
13 motion filed by Defendants to extend the deadline for all Defendants to file and serve their  
14 answer or other response to the Complaint to May 12, 2017. Defendants filed the unopposed  
15 motion on May 5, 2017. (*See* ECF No. 30.)

16 6. The parties’ settlement negotiations continued.

17 7. On May 10, 2017, Defendants’ counsel forwarded a revised proposed settlement  
18 agreement to Plaintiff’s counsel.

19 8. On May 11, Defendants’ counsel asked whether Plaintiff’s counsel would oppose  
20 a second extension of time for Defendants to answer or otherwise respond to the Complaint.  
21 Plaintiff’s counsel indicated that Plaintiff would not oppose a second extension of time until May  
22 19, 2017. Accordingly, on May 12, 2017, Defendants’ counsel filed a second unopposed motion.  
23 (*See* ECF No. 31.) The Court granted the motion on May 12, 2017, extending the time for all  
24 Defendants to answer or otherwise respond to the Complaint to May 19, 2017. (*See* ECF No.  
25 32.)

26 9. The parties’ settlement negotiations continued.

27 10. On May 15, 2017, Plaintiff’s counsel sent revisions to the draft settlement  
28 agreement to Defendants’ counsel. On May 16, 2017, Defendants’ counsel sent further revisions

1 to the settlement agreement to Plaintiff's counsel. On May 19, Plaintiff's counsel sent further  
2 revisions to the settlement agreement to Defendants' counsel that Defendants and their counsel  
3 are currently reviewing.

4 11. Given the parties' progress towards settlement and the upcoming May 19 deadline  
5 to answer or otherwise respond to the Complaint, Defendants' counsel asked whether Plaintiff's  
6 counsel would oppose a third extension of time for Defendants to answer or otherwise respond to  
7 the Complaint. Plaintiff's counsel indicated that Plaintiff would not oppose a third extension of  
8 time until May 26, 2017.

9 12. Accordingly, in light of the parties' active settlement negotiations, Defendants  
10 respectfully request that the Court enter an order extending the deadline to and including May  
11 26, 2017, for all Defendants to file and serve an answer or other response to the Complaint.

12 Dated: this 19th day of May, 2017 LEWIS ROCA ROTHGERBER CHRISTIE LLP

13 By: /s/ Jonathan W. Fountain  
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23 *A Morton Brothers Joint, LLC,*  
24 *A Morton Brothers Joint Intellectual Property, LLC,*  
25 *Michael Morton, and David Morton*

26 **IT IS SO ORDERED:**

27 

28 UNITED STATES MAGISTRATE JUDGE

DATED: 5-19-2017

## CERTIFICATE OF SERVICE

I, Jonathan W. Fountain hereby certify that on the 19th day of May, 2017, I filed a true and accurate copy of the foregoing document entitled, DEFENDANTS' UNOPPOSED MOTION FOR EXTENSION OF TIME FOR ALL DEFENDANTS TO FILE AND SERVE THEIR ANSWERS OR OTHER RESPONSES TO THE COMPLAINT (Third Request), via the Court's CM/ECF system, which will send/sent an electronic copy of the same to the following CM/ECF participants:

Mark A. Hutchinson  
Joseph R. Ganley  
Jacob A. Reynolds  
HUTCHISON & STEFFEN, LLC  
10080 West Alta Drive  
Las Vegas, NV 89145

Dated: this 19th day of May, 2017.

/s/ Jonathan W. Fountain  
An employee of Lewis Roca Rothgerber Christie LLP